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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,254	01/13/2004	Raymond Dale Madden	#911	4077

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EXAMINER

STEPHENSON, DANIEL P

ART UNIT PAPER NUMBER

3672

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,254

Applicant(s)

MADDEN, RAYMOND DALE

Examiner

Daniel P. Stephenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

1. With regards to the preliminary amendment filed 2/1/05, it has not been entered due to being in an improper format. Any amendment put forth by the applicant must retype the entire paragraph in which a change is made. Changes are not entered that are piecemeal within a paragraph. If a portion of the specification is to be deleted then please reference the page and line on which that portion begins and retype it with a strikethrough marking the deletion.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "118", "19", "58", "59", "69", "359" and "72". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

On page 10, the terms "F" and "P1" not located in the drawings.

On pages 10 and 11, the terms "19" and "21" are both used in conjunction with the rope socket.

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On page 15, the term "156" is associated with both a sleeve and a shoulder, and the term "55" is used in conjunction with an energy chamber which should be term "154".

On page 16, the term "73" is used to refer to both a passageway and a guide member.

On page 19, the term "55" is used in conjunction with an energy chamber which should be term "154".

On page 20, the term "162 is used in conjunction with a female latch part which should be the term "61", and on line 20, the term "towars" should be spelled --towards--.

On page 21, the term "155" refers to a spring chamber which should be the term "154".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4, 6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 4 and 6 recite that the "anvil" is associated with the "main shaft" that engages the "hammer" located on the "closure member" of the "main housing". This is different from what is disclosed ion the specification, where the "anvil" is located on the "lost motion coupling".

7. Claim 4 recites the limitation "closure member". There is insufficient antecedent basis for this limitation in the claim.

8. Claim 11 recites the limitations "protective tubing" and "conductor". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by the pre-grant publication to McElroy et al. '494. McElroy et al. '494 (Fig. 1,2A-2C and 5A) discloses a jar tool for retrieving stuck objects from a wellbore. It has opposed upper (110) and lower (120) main housings with confronting spaced ends coupled together by a lost motion coupling (125) connected there between for limited movement of the main housings toward and away from one another along a common axis. There are attachment means (140, 145) at each opposed end of the upper and the lower main housing for supporting and running the jar tool into and out of a wellbore and for attaching downhole tools to the lower housing. There is a main shaft (130) having opposed ends. The main shaft is reciprocatingly received within the upper main housing. The upper main housing has spaced axially aligned multiple annular stored energy chambers formed respective to the main shaft. In these chambers there is spaced biasing means (160, 220, 240) including springs having different spring characteristics. These biasing means are supported concentrically respective the main shaft and the upper main housing. Compression transfer members (205, 215, 235) extend from the main shaft into a position for engaging and compressing the spaced biasing means to thereby store energy. These transfer members accelerate the upper main chamber respective to the lower main chamber upon demand. There is

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a releasable latch means (127, 255) interconnecting one opposed end of the main shaft to one end of the lost motion coupling apparatus. It releases the main shaft from the lost motion coupling after storing energy within the biasing means for accelerating the main upper housing away from the lower main housing. There is a hammer and an anvil connected to the upper main housing and the main shaft, respectively. These provide the recited acceleration of the main housing. There is a slidable sleeve (245) concentrically arranged relative to the releasable latch means and engaging one of the biasing means (240) of one stored energy chamber for resisting axial movement of the releasable latch means while the releasable latch means is reciprocated within adjacent chambers (245, 260) having different diameters. The smaller diameter chamber interferes with unlatching while the larger diameter chamber permits unlatching. The lower end of the upper housing terminates in a sub (lowermost 110a) forming a closure means therefor and includes an internal shoulder forming a hammer within the upper main housing. The lost motion coupling extends through the closure means into releasable attachment relative to the latch means. There is an anvil (129) formed on the lost motion coupling between the releasable latch and the closure means whereby reciprocating the main upper housing relative to the main lower housing brings the hammer into abutting engagement relative to the anvil. The latch means is positioned for axial movement within the lower end of the upper main housing and is responsive to movement of the upper main housing relative to the lower main housing. The lost motion coupling means has one end thereof affixed to the upper end of the main lower housing with the other end extending through the jar into the interior of the main housing and fixed to the lower end of the releasable coupling. It is positioned for movement responsive to the main shaft and the main upper main housing into spaced adjacent chambers of different diameter forming a

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shoulder there between. The jar tool is run into a borehole supported by a wireline (paragraph 7). Upon increase in the wireline tension the lower end of the main shaft is released from the lost motion coupling. One the end of the biasing means urges the biasing means against the latch means while the sleeve slidably receives the female latch thereabout and prevents the latch means from unlatching. There is a hammer formed on an inner face of the closure member and an anvil connected to the lost motion coupling for engaging the hammer when the latch means is unlatched. There is an axial passageway formed through the main shaft with a protected electrical conductor within the passageway having opposed ends, one the end being adapted to be connected to a conductor extending uphole to the surface, the other the end extending through the main shaft, through the releasable coupling, hammer and lost motion coupling, and into main chamber where the conductor provided with sufficient length to provide for the take up required by the length of the stroke occasioned by reciprocation of the main upper housing respective the lower main housing. The conductor is adapted to be connected to an apparatus supported respective the lower chamber to thereby enable electronic data to be transmitted from the lower end of the jar tool axially through the jar tool, and along the wireline to the surface. The axial passageway formed through the main shaft, through the latch means, anvil, lost motion coupling, into the lower chamber contains a tubular protective housing (paragraph 60) slidably received within the passageway of the main shaft. The electrical conductor is supported within the tubular housing.

Allowable Subject Matter

10. Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taylor '157, '219 and '282, Anderson et al., Evans '495, Stoesz, Boulter and the pre-grant publications '085 and '495 to Tillett, Jr. and Evans, respectively, show similar elements to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS

